Vol. VII. Numb. 52

THE OBSERVATOR.

The Rehearſer's *inſolent Boaſts confuted; and the coercive Power of Parliaments over Tyrants, farther prov'd.*

From Wednesday, Auguſt 11. to Saturday, Auguſt 14. 1708.

Country-m. THE *Rehearſal* is upon you again, Maſter, about the Parliament's Power of Coercion; and ſays, in his Paper of the 11th Inſtant, that you have put off your Anſwer *ſine Die*, *dare not come to the Laws with him*, &c.

Obſ. I perceive he ſwaggers, *Roger*, as Don *Quixot* did at the Wind-mill, and juſt with as much Succeſs. I am amaz'd at his Confidence, to utter ſuch notorious Falſhoods, as every Body is able to contradict. All the Town can bear me Witneſs, that in the *Obſervator* of *Saturday* the 7th, I gave him plain Law to prove, that our Conſtitution lodg'd a coercive Power in the Parliament over Tyrants, *viz.* *Lambard*'s *Saxon* Laws, particularly thoſe of St. *Edward*, ratify'd and ſworn to by *William* the Conqueror; the Great Charters of King *John*, and King *Henry* the III. ratify'd by King and Parliament; the Opinion of the Lord Chief Juſtice *Bracton*, in his Book of the Laws of *England*; and becauſe he ſhould not ſay, that I confin'd my ſelf to Antiquity, I inſtanc'd in the late Revolution, when the Convention and ſucceeding Parliaments re-aſſerted their Power of Coercion, by dethroning the late King *James*, and making the Inſtrument of Government, or Declaration of the Laws and Liberties of the Kingdom, the Conditions on which all future Princes ſhall ſucceed; and for violating of which Rights and Liberties, contrary to the Original Contract, they declar'd King *James* to have abdicated the Government, and the Throne to be vacant; which, as I told him before, has antiquated the Laws made by mercenary and pack'd Parliaments, in the Reign of King *Charles* the II. againſt a coercive Power, and declaring it unlawful to take Arms againſt the King, or any having his Commiſſion, upon any Pretence whatſoever: So that our late Convention and Parliaments have ſet up the ſaid Declaration of our Rights and Liberties, with the Narrative of the late King *James*'s Miſgovernment, as a Beacon for future Princes to beware of the like Practices, as they would not incur the like Fate. Beſides, *Roger*, I told him before, that Laws againſt a coercive Power over Kings, ſay nothing againſt a coercive Power over Tyrants; for a King is one who governs according to Law, and is juſtly under the Protection of it; ſo that to talk of Coercion in that Caſe, is Nonſenſe, as well as Treaſon; but a Tyrant who ſubverts the Laws, denudes himſelf of that Protection, diveſts himſelf of the Character of a King, and, as we have heard already from the Lord Chief Juſtice *Bracton*, inſtead of being the Miniſter of God, becomes the Miniſter of the Devil.

Country-m. But the *Rehearſal* denies, that *William* the Conqueror ſwore to obſerve St. *Edward*'s Laws, of which that was one, That if the King did not govern according to the End for which he was conſtituted, he ſhall not ſo much as retain the Name of a King; and ſays, the Conqueror was the worſt Man you could Pitch upon for ſuch a limited Monarch.

Obſ. The *Rehearſer*, by doing ſo, *Roger*, diſcovers his Ignorance, or ſomething that's worſe; and inſtead of pinning me down, has ſtak'd himſelf down, for ever to be laugh'd at by all the antiquaries Hiſtorians, and noted Lawyers of the Nation. 'Tis a Rule in Logick, that he who denies Principles, is not worthy to be diſputed with; and therefore I might for ever refuſe to argue with ſuch a Man, as diſcovers ſo much Ignorance and Want of Shame. But becauſe he is the Mouth and Advocate of a Party, who have nothing but Obſtinacy to offer in Defence of their baffl'd Cauſe, I ſuperſede my Right, and ſhall go on to ſhew, that he is one of the moſt wretched Advocates that ever a Party made uſe of.

Country-m. I thank you, Maſter; for his Party admire him as an Oracle.

Obſ. They may do ſo if they pleaſe, *Roger*; but muſt look for the ſame Fate that attended thoſe, who conſulted the Father of Lies in the Oracles of *Delphi* and *Trophonius*; that is, to be deluded by him to their own Ruin and Confuſion: For *Lambard*'s *Saxon* Laws are known to every Man of Note of the long Robe, are atteſted by all our learned Antiquaries, and are to this Day in Manuſcript in that which is call'd the Red Book, in the *Exchequer*, becauſe of its Red Cover, with which the printed Book has been compar'd; and the Authentickneſs of that Part of them call'd St. *Edward*'s Laws, which aſſert the Power of Coercion over Tyrants, ſo ſhameleſsly deny'd by the *Rehearſer*, is ſuch, that never any Laws in the World had a greater Proof of their being genuine, the divine Laws excepted. This is evident, *Roger*, from the Chronicle of *Litchfield*, and from *Ingulphus*, the Abbot of *Croyland*, whoſe Teſtimonies are printed pag. 158 of *Lamb. Saxon* Laws; where we are inform'd, 'That King *William*, call'd the Conqueror, 'in the fourth Year of his Reign, ſummon'd to 'London, by the Advice of his Barons, all the No-'bles, wiſe Men, and learned in the Law, that 'they might give him an Account of their Laws 'and Cuſtoms. He recommended to them the 'Laws of *Northfolk* and *Suffolk*, *Grantbridge* and 'Deira, where the greateſt Part of the *Danes* and 'Norwegians formerly inhabited, becauſe he and 'his Anceſtors, and almoſt all the *Norman* Barons, 'were deſcended from the *Norwegians*; but at the 'Requeſt of the Commu ity of *England*, that they 'might be allow'd their own Laws and Cuſtoms, 'in which their Fathers and themſelves had been 'bred up, *viz.* The Laws of St. *Edward*, *&c.* The 'King commanded, that 12 wiſe Men ſhould be 'choſen out of each County of *England*, who were 'ſworn before him, that without going to the Right 'or Left, and without adding, diminiſhing, alter-'ing, or concealing any Thing, they ſhould lay 'open their Laws and Cuſtoms. And *Aldered*, 'Arch-biſhop of *York*, who crown'd King *William*, 'and *Hugh*, Biſhop of *London*, by the King's Com-'mand, wrote, with their own Hands, all that the 'Jurats, or ſworn Men aforeſaid, reported, who 'beginning at the Laws relating to Holy Mother 'Church, reported and declar'd, *&c.*

Ingulphus ſays, he brought from his own Monaſtry, the Laws of the moſt juſt King *Edward*, to *London*, which King *William* proclaim'd to be authentick, and to be perpetually and inviolably kept thro' the whole Kingdom of *England*, under the ſevereſt Penalties.

Beſides, *Roger*, King *William*, by the 63d Article of his Charter, commanded, that King *Edward*'s Laws ſhould be obſerv'd in every Thing, with thoſe

those which he himself had added for the Advantage of the *English*.

Country-m. I think now, Master, you have pinned the *Rehearsal* down with a Witness, and have left his Party nothing to say for their ignorant and shameless Advocate; for King *William*, by confirming those Laws, renounc'd all his Title to Conquest, and subjected himself to the coercive Power of the Parliament, if he subverted that noble Constitution; so that he was the propereſt Man you could pitch on, to shew, that our Monarchs were limited; for if a Conqueror submitted to those Limitations, we are not to doubt of it in others. But can you prove, that he swore to observe those Laws, Master? For the *Rehearsal* denies it, insults you, and says, your asserting, that King *William* ratify'd and swore to those Laws, shews what Stress is to be laid upon your Instances.

Obs. Yes, *Roger*, I can prove it; and that too by the Testimony of those of his own Party; and 'tis very well known, that the Gentlemen of the long Robe, and all Courts of Justice, allow the Testimony of an Adversary, as to Matter of Fact, to be very good Evidence against those of his own Party.

The first Witness, *Roger*, is, Sir *William Dugdale*, in his *Origines Juridiciales*, pag. 5. where he confirms what I have said, from the Authority of the Historians and Antiquaries, *&c.* quoted on his Margin, *viz.* The *Saxon* Laws, publish'd by *Lambard*, *Spelman*'s Glossary, *Florence* of *Worcester*, *Matthew Paris*, *Selden*'s *Jani Anglorum*, and *Hoveden*; and gives it in *Matthew Paris*'s Words, thus: *Post multas Disceptationes*, &c. *i. e.* 'After many Disputes in the 'Presence of *Lanfrank*, Arch-bishop of *Canterbury*, 'the King at Length, for quieting the People, 'swore upon all the precious Reliques in the Church 'of St. *Alban*, laying his Hand upon the Holy E-'vangelists, *Fretherick*, the then Abbot, ministring 'the Oath to him, that he would inviolably ob-'serve the good and approv'd ancient Laws, which 'had been made by the devout and pious Kings of '*England*, his Ancestors, and chiefly by King *Ed-'ward* the Confessor.

And pag. 7. Sir *William* owns, that the same Laws were confirm'd by King *Henry* the I.

The second Witness of the *Rehearsal*'s own Party for King *William*'s having sworn to observe those Laws, is, Dr. *Brady*, in his Answer to *Argumentum Antinormanicum*, pag. 241, *&c.* where, tho' he had formerly deny'd it, in his compleat History of *England*, he is forc'd to confess it; and thinks to escape by the same pitiful Shift the *Rehearser* does, *viz.* by insisting on King *William*'s After-Practices, contrary to those Laws, and his own Oath; which only proves the Perjury of that Prince, but can never be admitted by any Man of Sense, either to disprove his Oath, or to justify his Breach of it. Those who have a Mind to be fully inform'd of this Matter, may find the Point largely debated, and Dr. *Brady* duly chastis'd for it, in Mr. *Tyrrel*'s Introduction to the second Volume of his general History of *England*, pag. 36, *&c.*

Country-m. Well, Master, whether the Whigs will reckon you their *Magnus Apollo*, as the *Rehearser* insultingly words it, I know not, and am satisfy'd you don't care; for 'tis to maintain the Birth-right and Freedom of all the People of the Island, that you write, without Respect to Faction or Party. But this I am sure of, that you have fairly pinn'd down the *Magnus Apollo*, and Champion of Slavery, by proving, that our Constitution allow'd a coercive Power in our Parliaments over Tyrants; let him get up again how he can.

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¶ Any Gentlemen, who have any thing to communicate to the Author of this Paper, are desir'd to direct it to be left with H. Meere, at the Black-Fryar in Black-Fryars, for the Observator, Post pay'd. Where Advertisements are taken in.

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